



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,637	09/22/2003	Jonathan T. Miller	112.0010001	2176

7590 03/09/2006

E. J. Brooks & Associates, PLLC
Suite 500
1221 Nicollet Avenue
Minneapolis, MN 55403

EXAMINER

NGUYEN, CHI Q

ART UNIT PAPER NUMBER

3635

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/668,637	Applicant(s) MILLER, JONATHAN T.	
	Examiner Chi Q Nguyen	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 1-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/20/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is in response to the applicant's election filed on 1/4/2006.

Applicant's election with traverse of group III (claims 35-44) in the reply filed on 1/4/2006 is acknowledged. The traversal is on the ground(s) that all the claims should be examined without serious burden. This is not found persuasive because as set forth in the restriction requirement that the claims are drawn to different inventions such that claims 1-30, drawn to a system for building project approval, classified in class 710, subclass 305. Claims 31-34, drawn to a computer readable medium, classified in class 710, subclass 100. Claims 35-44, drawn to apparatus of a multiple unit building, classified in class 52, subclass 79.9. And because the different inventions, they would required different search in different classes, etc.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

Color photographs and color drawings (Figure 6) are not accepted unless a petition filed under 37 CFR 1.84(a)(2) is granted. Any such petition must be accompanied by the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color photographs, as appropriate, and, unless already present, an amendment to include the following language as the first paragraph of the brief description of the drawings section of the specification:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

Color photographs will be accepted if the conditions for accepting color drawings and black and white photographs have been satisfied. See 37 CFR 1.84(b)(2).

Claim Objections

Claims 35-38 are objected to because of the following informalities: in regard claim 35, the citation "having the appearance" does not have antecedent basis. And since claims 36-38 are depending upon claim 35 also objected. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 35-37, 39-41, and 43-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Poehler (US 6,182,408).

In regard claim 35, Poehler teaches solarium integrated multi-unit building comprising a concrete foundation (see figures 3 and 5), a number of units 12, 14, 16, 18 constructed on the concrete foundation, the number of units bordering at least a portion of an atrium 20 formed on the concrete foundation, each unit including an area having the appearance of a porch 52, 54, 56, 58, respectively, with the porch connected to a primary entrance 62 into the unit and an entrance to the atrium; and a common area 50 for ingress and egress from outside the building connected to the atrium (see figure 1).

In regard claim 36, Poehler teaches the claimed invention as stated, wherein the building has a number of levels (see col. 4, line 5) including a basement located below the atrium (see col. 5, lines 39-40).

In regard claim 37, Poehler teaches the claimed invention as stated, wherein the building has a number of levels and wherein the concrete foundation is on a first level and the atrium extends upward through a number of levels (see cols. 4-5).

In regard claim 39, Poehler teaches multi-unit building with atrium comprising a common entryway 66 leading to an atrium; and a number of units each bordering at least a portion of the atrium, the number of units each having a front entrance 62 to the unit facing to the atrium (see figure 1).

In regard claim 40, Poehler teaches the claimed invention as stated, wherein each unit has a foyer adjacent to the front entrance (see figure 1).

In regard claim 41, Poehler teaches the claimed invention as stated, wherein the entryway 66 is connected to a number of different atriums each having a number of units bordering the atrium (see fig. 1).

In regard claim 43, Poehler teaches the claimed invention as stated, wherein each unit includes semi-public unit area proximate to the unit and wherein the atrium includes a public area positioned between each unit and each semi-public area (see figure 1).

In regard claim 44, Poehler teaches the claimed invention as stated, wherein the building includes a number of levels stacked one above another since the multi-level building, each level includes a number on units bordering at least a portion of an atrium, the number of units bordering the atrium having an entrance to the unit facing the atrium, and wherein a number of level have a floor that acts as an upper boundary for one atrium and a lower boundary for another atrium (see figure 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 38, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poehler.

In regard claim 38, Poehler teaches the structural elements for the claimed invention as stated except for wherein the common area has an elevator therein. At the time of invention, it would have been obvious to a person having ordinary skill in the art to have an elevator in the common area. The motivation for doing so would have been to transport disability person from the ground level to atop level.

In regard claim 42, Poehler teaches the structural elements for the claimed invention as stated except for wherein a number of units are arranged back to back such that the back of one unit faces one atrium and the back of the other unit face the other atrium. At the time of the invention, it would have been obvious to a person having an ordinary skill in the art to arrange back to back units, which the back of one unit faces one atrium and the other of units face other atrium that would an obvious matter of rearrangement to suit the occupant's desires and convenience.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bowles, Weston, Raynor, and Mori teach multi-unit building.

Art Unit: 3635

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (571) 272-6842. The examiner's right fax number is (571) 273-6847.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

3/1/2006


CQN


EXAMINER AU 3635

3/2/06